

ESTTA Tracking number: **ESTTA795112**Filing date: **01/13/2017**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following parties oppose registration of the indicated application.

Opposers Information

Name	Chicago Cubs Baseball Club, LLC
Granted to Date of previous extension	01/15/2017
Address	1060 West Addison Street Chicago, IL 60613 UNITED STATES

Name	Washington Nationals Baseball Club, LLC
Granted to Date of previous extension	01/15/2017
Address	Nationals Park 1500 South Capitol Street, SE Washington, DC 20003 UNITED STATES

Attorney information	Mary L. Kevlin/Timothy J. Buckley Cowan, Liebowitz & Latman, P.C. 114 West 47th Street New York, NY 10036 UNITED STATES tjb@cll.com, mlk@cll.com, tay@cll.com, njh@cll.com, trademark@cll.com
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Applicant Information

Application No	86737871	Publication date	07/19/2016
Opposition Filing Date	01/13/2017	Opposition Period Ends	01/15/2017
Applicant	LG ELECTRONICS INC. 128, Yeoui-daero, Yeongdeungpo-gu Seoul 150-721, KOREA, REPUBLIC OF		

Goods/Services Affected by Opposition

Class 009. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Smart phones; Television receivers
Class 014. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Watches with the function of wireless communication; Watches that communicate data to personal digital assistants, smart phones, tablet computers and personal computers through internet websites and other computer and electronic communication networks; Watchbands that communicate data to personal digital assistants, smart phones, tablet computers and personal computers through internet websites and other computer and electronic communication networks; Bracelets that communicate data to personal digital assistants, smart

phones, tablet computers and personal computers through internet websites and other computer and electronic communication networks; Watches incorporating cameras and MP3 players, and that communicate data to smart phones and PDAs

Grounds for Opposition

Other	Please see attached pleading.
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Attachments	Notice of Opposition W LG.pdf(262370 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Timothy J. Buckley/
Name	Timothy J. Buckley
Date	01/13/2017



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January 13, 2017

By Electronic Filing

Commissioner for Trademarks
Attn: TTAB
P.O. Box 1451
Alexandria, VA 22313-1451

Re: WASHINGTON NATIONALS BASEBALL CLUB, LLC,
and CHICAGO CUBS BASEBALL CLUB, LLC
Consolidated Notice of Opposition Against
LG ELECTRONICS INC.
Application to register W
Ref. No. 21307.017

Dear Commissioner:

We enclose a Consolidated Notice of Opposition against Application Serial Number 86/737,871 published in the Official Gazette on July 19, 2016. Contemporaneously with the electronic filing of this Notice of Opposition, we are arranging for an electronic payment in the amount of \$1,200 to cover the filing fee.

If the amount received is insufficient and additional fees are required, please charge our Deposit Account No. 03-3415.

Please address all future correspondence to the attention of Mary L. Kevlin of Cowan, Liebowitz & Latman, P.C.

Respectfully submitted,

/Timothy J. Buckley/
Timothy J. Buckley

Enclosures

cc: Ms. Diane Kovach (w/encs.)
Mary L Kevlin, Esq. (w/encs.)
Richard S. Mandel, Esq. (w/encs.)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Application Serial No. 86/737,871
Filed: August 26, 2015
For Mark: W
Published in the Official Gazette: July 19, 2016

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WASHINGTON NATIONALS	:	<u>CONSOLIDATED NOTICE OF</u>		
BASEBALL CLUB, LLC, and	:		<u>OPPOSITION</u>	
CHICAGO CUBS BASEBALL	:			
CLUB, LLC,	:			Opposition No.
	:			
Opposers,	:			
v.	:			
	:			
LG ELECTRONICS INC.,	:			
	:			
Applicant.	:			
-----X				

Commissioner for Trademarks
Attn: Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Opposer, Washington Nationals Baseball Club, LLC, a District of Columbia limited liability company located at Nationals Park, 1500 South Capitol Street, SE, Washington, DC 20003-1507, and Chicago Cubs Baseball Club, LLC, a Delaware limited liability company located at 1060 West Addison Street, Chicago, Illinois 60613 (together, the “Opposers”) believe that they will be damaged by registration of the standard character mark W (“Applicant’s Mark”) for “Smart phones; Television receivers” in International Class 9 and for “Watches with the function of wireless communication; Watches that communicate data to personal digital assistants, smart phones, tablet computers and personal computers through internet websites and

other computer and electronic communication networks; Watchbands that communicate data to personal digital assistants, smart phones, tablet computers and personal computers through internet websites and other computer and electronic communication networks; Bracelets that communicate data to personal digital assistants, smart phones, tablet computers and personal computers through internet websites and other computer and electronic communication networks; Watches incorporating cameras and MP3 players, and that communicate data to smart phones and PDAs” in International Class 14 as shown in Application Serial No. 86/737,871 (hereinafter, the “Application”) and, having been granted extensions of time to oppose up to and including January 15, 2017, hereby oppose the same.

As grounds for opposition, it is alleged that:

1. Opposer Washington Nationals Baseball Club, LLC (the “Washington Nationals Club”) is the owner of the renowned WASHINGTON NATIONALS MAJOR LEAGUE BASEBALL club, and Opposer Chicago Cubs Baseball Club, LLC (the “Chicago Cubs Club”) is the owner of the renowned CHICAGO CUBS MAJOR LEAGUE BASEBALL club.

2. Since long prior to August 26, 2015, Applicant’s constructive first use date, the Washington Nationals Club, its predecessors, predecessors-in-interest, and their affiliated and related entities, licensees and/or sponsors have used the mark “W”, including, without limitation, in the following distinctive stylizations:



, either alone or with other words, letters and/or design elements (collectively, “Washington Nationals W Marks”) in connection with baseball game and exhibition services and a wide variety of goods and services, including, without



limitation, jewelry and watches; cases for electronic devices; apparel and accessories; paper goods and printed matter, toys and sporting goods and novelty items.

3. The Washington Nationals Club owns United States federal registrations for the Washington Nationals W Marks in International Classes 9, 16, 25, 28 and 41; namely, Registration Nos. 1,654,941; 3,155,271; 3,240,446; 3,276,405; 3,336,006; 3,345,143 and 3,442,256. Registration No. 1,654,941 is incontestable.

4. Since prior to August 26, 2015, Applicant's constructive first use date, the Washington Nationals Club, its predecessors, predecessors-in-interest, and their affiliated and related entities, licensees and/or sponsors have promoted and advertised the sale and/or distribution of goods and services bearing or offered in connection with the Washington Nationals W Marks, including, but not limited to, baseball game and exhibition services and a variety of goods and services including, without limitation, jewelry and watches; cases for electronic devices; apparel and accessories; paper goods and printed matter; toys and sporting goods and novelty items, and have sold or distributed such goods and rendered such services in commerce.

5. As a result of the extensive sales, distribution and promotion of its goods and services bearing or offered in connection with the Washington Nationals W Marks, the Washington Nationals Club has built up highly valuable goodwill in the Washington Nationals W Marks, and said goodwill has become closely and uniquely identified and associated with the Washington Nationals Club.

6. Since prior to August 26, 2015, Applicant's constructive first use date, the Chicago Cubs Club and its predecessors, and their affiliated and related entities, licensees and/or sponsors have used the mark "W," including, without limitation, in the following distinctive

stylizations: and  and , either alone or with other words, letters and/or design elements (collectively, “Chicago Cubs W Marks”) in connection with baseball game and exhibition services and a variety of goods, including, without limitation, caps, flags and banners, and other novelty items.

7. The Chicago Cubs Club owns U.S. federal registrations and applications for Opposer’s W Marks in International Classes 14, 18, 24, 25, 28 and 41, namely, Registration Nos. 3,053,475; 4,951,429; 5,001,872 and Application Serial Nos. 86/760,829; 86/760,849; 86/760,879 and 86/760,885. Registration No. 3,053,475 is incontestable.

8. The Chicago Cubs Club Application Serial No. 86/760,885 for the stylized mark



in blue against a white background for “Jewelry, namely, bracelets, charms, earrings, rings, necklaces, pendants, watches, costume jewelry, medallions, ornamental pins, lapel pins, tie clips, tie fasteners, cuff links, tie tacks, tie pins, key chains of precious metal, key rings of precious metal, clocks, wall clocks, alarm clocks, clock key chains, and non-monetary coins of precious metal” in International Class 14 has been suspended pending the Application, which may be cited in the event that the Application matures to a registration.

9. Since prior to August 26, 2015, Applicant’s constructive first use date, the Chicago Cubs Club and its predecessors, and their affiliated and related entities, licensees and/or sponsors have promoted and advertised the sale and/or distribution of goods and services bearing or offered in connection with the Chicago Cubs W Marks, including, but not limited to, baseball games and exhibition services and a variety of goods including, without limitation, caps, flags

and banners, and other novelty items and have sold or distributed such goods and rendered such services in commerce. Additionally, the Chicago Cubs Club has used other marks owned by them in connection with jewelry and watches prior to August 26, 2015.

10. As a result of the extensive sales, distribution and promotion of its goods and services bearing or offered in connection with the Chicago Cubs W Marks, the Chicago Cubs Club has built up highly valuable goodwill in the Chicago Cubs W Marks, and said goodwill has become closely and uniquely identified and associated with the Chicago Cubs Club.

11. On August 26, 2015, Applicant filed the Application, based on an intent to use, which, as subsequently amended covers: “Smart phones; Television receivers” in International Class 9 and “Watches with the function of wireless communication; Watches that communicate data to personal digital assistants, smart phones, tablet computers and personal computers through internet websites and other computer and electronic communication networks; Watchbands that communicate data to personal digital assistants, smart phones, tablet computers and personal computers through internet websites and other computer and electronic communication networks; Bracelets that communicate data to personal digital assistants, smart phones, tablet computers and personal computers through internet websites and other computer and electronic communication networks; Watches incorporating cameras and MP3 players, and that communicate data to smart phones and PDAs” in International Class 14.

12. Upon information and belief, Applicant did not use Applicant’s Mark in United States commerce for the goods covered in the Application, as amended, prior to its constructive first use date of August 26, 2015.

13. The goods covered by the Application are identical and/or closely related to the goods offered and services rendered in connection with the Washington Nationals W Marks and Chicago Cubs W Marks (together, “Opposers’ W Marks”).

14. As Applicant has claimed the letter “W” as a standard character mark, registration of such mark effectively could give Applicant rights to the letter “W” in any stylization, including the stylizations of Opposers’ W Marks that have been duly registered and/or have priority of use over Applicant’s Mark. Additionally, registration of such mark effectively could prevent Opposers from developing additional “W” marks in the future. Indeed, the Application has been cited as a potential block against the Chicago Cubs Club’s Application Serial No. 86/760,885 for its previously used and registered, stylized W mark.

15. Applicant’s Mark so resembles Opposers’ W Marks as to be likely, when applied to Applicant’s goods, to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe that Applicant’s goods have their origin with Opposers and/or that such goods are approved, endorsed or sponsored by Opposers or associated in some way with Opposers. Opposers would thereby be injured by the granting to Applicant of a certificate of registration for Applicant’s Mark.

16. Opposers would be further injured by the granting of a certificate of registration to Applicant because Applicant’s Mark, which as a standard character mark is identical to Opposers’ W Marks that are part of Opposers’ identities and which point uniquely to the Opposers, when used in connection with the applied-for goods, would falsely suggest a connection between Applicant, who has no connection with or authorization from Opposers, and Opposers.

WHEREFORE, Opposers believe that they will be damaged by registration of Applicant's Mark and request that the consolidated opposition be sustained and said registration be denied.

Please recognize as attorneys for Opposers in this proceeding Mary L. Kevlin, Richard S. Mandel, and Timothy J. Buckley (members of the bar of the State of New York) and the firm Cowan, Liebowitz & Latman, P.C., 114 West 47th Street, New York, New York 10036-1525.

Please address all communications to Mary L. Kevlin, Esq. at the address listed below.

Dated: New York, New York
January 13, 2017

Respectfully submitted,

COWAN, LIEBOWITZ & LATMAN, P.C.
Attorneys for Opposers

By: /Timothy J. Buckley /
Mary L. Kevlin
Richard S. Mandel
Timothy J. Buckley
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 13, 2017, I caused a true copy of the foregoing
CONSOLIDATED NOTICE OF OPPOSITION to be sent via First Class Mail, postage paid,
to Applicant's Attorney:

Robert J. Kenney
Birch Stewart Klatch & Birch LLP
PO Box 747
Falls Church, VA 22040-0747

/Timothy J. Buckley /
Timothy J. Buckley